

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 4, 5, 7-10, 12-15, 25, 27, 29, 32, and 33 are pending in the application, with claims 4, 25, 27, and 32 being the independent claims. Claims 1-3, 6, 11, 16-24, 26, 28, 30, and 31 were previously cancelled without prejudice to or disclaimer of the subject matter therein. Claim 4, 27, and 32 are sought to be amended. Applicants reserve the right to prosecute similar or broader claims, with respect to the amended and/or cancelled claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Statement of Substance of Examiner Interview

The Examiner, Muriel Tinkler, is thanked for her time during several telephonic interviews with Applicant's representatives Jason D. Eisenberg, Dina Blikshteyn, and Amirali Sharifi on September 3, 2010, October 6, 2010, October 13, 2010, and October 28, 2010. Applicant's representatives discussed the main reference applied in the Office Action, several other references provided by the Examiner, and distinguishing claim features. The Examiner agreed that these references do not disclose or suggest the distinguishing claim features.

The references discussed during the Examiner interviews include U.S. Patent Application Publication No. 2002/0059147 to Ogasawara, U.S. Patent No. 7,478,065 to

Ritter et al., U.S. Patent No. 7,133,845 to Ginter et al., and U.S. Patent No. 7,165,174 to Ginter et al. Further, U.S. Patent Application Publication No. 2008/0040276 to Hammad et al. and International Application Publication No. WO 2007/083319 to Adiseshann were also provided by the Examiner, which do not qualify as proper references, since their priority dates are after the priority date of instant application.

Rejection under 35 U.S.C. § 102

Claims 4, 5, 7, 12, 25, 27, 29, 32, and 33 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,991,749 to Morrill (“Morrill”). Applicants respectfully traverse this rejection and the “Response to Arguments” section at pages 2 and 3 of the Office Action.

As discussed and agreed to during the Examiner interviews, independent claims 4, 25, 27, and 32 recite features that distinguish over the applied reference. For example, claim 1 recites, *inter alia*:

an input device configured to input monetary amount information that ***a store is to pay a customer;***

a transmitter configured to transmit at least one of the store ID information, the transfer source store account information, the customer ID information and the monetary amount information to ***the customer mobile communication device for authentication,***

wherein the receiver is configured to receive at least one of authenticated store ID information, authenticated transfer source store account information, authenticated customer ID information and authenticated monetary amount information from the customer mobile communication device and if the authentication using the customer mobile communication device is successful the transmitter is configured to transmit at least one of the store ID information, the transfer source store account information, the customer ID information and the monetary amount information to ***an authentication manager that further authenticates*** the at least one of the store ID information, the transfer source store account information, the customer ID information and the monetary amount information,

...

wherein, upon successful authentication using the authentication manager, a monetary amount based on the monetary amount information is *transferred from the store account of the first financial institution to the customer account of the second financial institution.*

Independent claims 25, 27, and 32 recite similar distinguishing features, using their respective language. These features are neither disclosed nor suggested by the applied references.

Morrill discloses “methods of using a cellular phone or other wireless communication device to transfer funds between accounts, collect tolls and authorize other activities” (Morrill, col. 1, lines 14-17). Morrill discloses that such transactions can include “purchasing a good or service by transferring funds (paying) to a second party’s phone or financial accounts; or transferring funds between a person’s credit card accounts, from credit to debit or stored-value accounts, to, from, or between bank (saving or checking) accounts” (Morrill, col. 2, lines 23-30). The examples disclosed by Morrill are directed to a user using a cellular phone to pay for a transaction. However, the teachings in Morrill are in contrast to at least “a store is to pay a customer” and “the monetary amount information is transferred from the store account of the first financial institution to the customer account of the second financial institution,” as recited in independent claim 4. Independent claims 25, 27, and 32 also recite similar features, using their respective language.

Further, the procedure described by Morrill is carried out by (1) “a user first entering a unique function code on the device’s keypad to identify a type of transaction” and (2) a CPU (connected via land line to a cell antenna) “identifies the desired transaction and determines if the transaction involves a default amount” (Merrill, col. 2, lines 35-41). “If the transaction involves a variable amount”, (3) “the CPU prompts the

user to enter the amount” and (4) “the CPU then determines the type of user accounts to access for the type of transaction” (Merrill, col. 2, lines 45-51). If a PIN is needed for the transaction, (5) the CPU prompts for PIN and (6) the user enters the PIN (Merrill, col. 2, lines 60-63). “If the transaction type is not linked to a unique destination account,” (7) the CPU prompts for the destination and (8) “the user enters an account code to which the funds are to be transferred” (Merrill, col. 2, lines 63-67). (9) The CPU completes the transaction and “confirms the completion of the transaction by generating and displaying a transaction confirmation/authorization number code (Merrill, col. 3, lines 9-11). However, Morrill does not teach or suggest at least “transmit ... to the customer mobile communication device for authentication” and “transmit ... to an authentication manager that further authenticates,” as recited in independent claim 4. Independent claims 25, 27, and 32 also recite similar features, using their respective language.

Moreover, as discussed and agreed to during the Examiner interviews, independent claims 4, 25, 27, and 32 distinguish over the references provided by the Examiner and discussed during the Examiner interviews because of, at least, the above-noted distinguishing features.

Accordingly, as Morrill does not anticipate the claims, Applicants respectfully request that the Examiner reconsider and withdraw the rejection, and pass the claims to issue.

Rejections under 35 U.S.C. § 103

Claims 8 and 13

Claims 8 and 13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morrill in view of U.S. Patent No. 6,085,176 to Woolston (“Woolston”). Applicants respectfully traverse this rejection.

Dependent claims 8 and 13 include all of the features of claim 4. As disclosed above, Morrill fails to disclose all of the features of claim 4.

Further, on page 7 of the Office Action the Examiner states that Woolston allegedly teaches, which Applicants do not acquiesce to, “the use of a terminal at a pawnshop”. However, Woolston is not used to teach or suggest, nor does Woolston teach or suggest, at least the above-noted distinguishing features of claim 4. Thus Woolston fails to cure the deficiencies of Morrill as noted above. Therefore, claims 8 and 13 are patentable over Morrill and Woolston taken alone or in combination for at least the reasons provided above.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 8 and 13, and find the claims allowable over the applied references.

Claims 9, 14, 18, and 22

Claims 9, 14, 18, and 22¹ were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morrill in view of U.S. Patent No. 6,012,048 to Gustin et al. (“Gustin”). Applicants respectfully traverse this rejection.

¹ Claims 18 and 22 were previously cancelled in the Office Action Response filed on June 21, 2010.

Dependent claims 9 and 14 include all of the features of claim 4. As disclosed above, Morrill fails to disclose all of the features of claim 4.

Further, on page 8 of the Office Action the Examiner states that Gustin allegedly teaches, which Applicants do not acquiesce to, “the use of a lottery money-exchanging booth”. However, Gustin is not used to teach or suggest, nor does Gustin teach or suggest, at least the above-noted distinguishing features of claim 4. Thus Gustin fails to cure the deficiencies of Morrill as noted above. Therefore, claims 9 and 14 are patentable over Morrill and Gustin taken alone or in combination for at least the reasons provided above.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 9 and 14, and find the claims allowable over the applied references.

Claim 10 and 15

Claims 10 and 15 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Morrill in view of U.S. Patent No. 6,266,647 to Fernandez (“Fernandez”). Applicants respectfully traverse this rejection.

Dependent claims 10 and 15 include all of the features of claim 4. As disclosed above, Morrill fails to disclose all of the features of claim 4.

Further, on page 9 of the Office Action the Examiner states that Fernandez allegedly teaches, which Applicants do not acquiesce to, “the use of a Panchinko parlor”. However, Fernandez is not used to teach or suggest, nor does Fernandez teach or suggest, at least the above-noted distinguishing features of claim 4. Thus, Fernandez fails to cure the deficiencies of Morrill as noted above. Therefore, claims 10 and 15 are

patentable over Morrill and Fernandez taken alone or in combination for at least the reasons provided above.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 10 and 15, and find the claims allowable over the applied references.

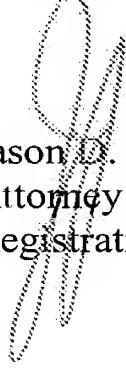
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Jason D. Eisenberg
Attorney for Applicants
Registration No. 43,447

Date:

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
1251914_1.DOC